

REMARKS/ARGUMENTS

Favorable reconsideration of this application as currently amended and in view of the following remarks is respectfully requested.

Claims 1, 3, 7-16, 19, 20, 31, and 32 are currently active in this case. Claims 1 and 16 have been amended by the current amendment. No new matter has been added.

In the outstanding Office Action, Claim 1, 3, 7-16, 19, 20, 31, and 32 were rejected under 35 USC 103(a) as being unpatentable over Kruger in view of Unger et al and Chen et al.

Claims 1 and 16 have been amended to clarify the selection feature of the present invention. As amended, claim 1 defines, among other things:

optical scanning means for sequentially ~~irradiating the subject with light~~ selecting an end portion from said plurality of end portions of said plurality of optical fibers to irradiate the subject with light;

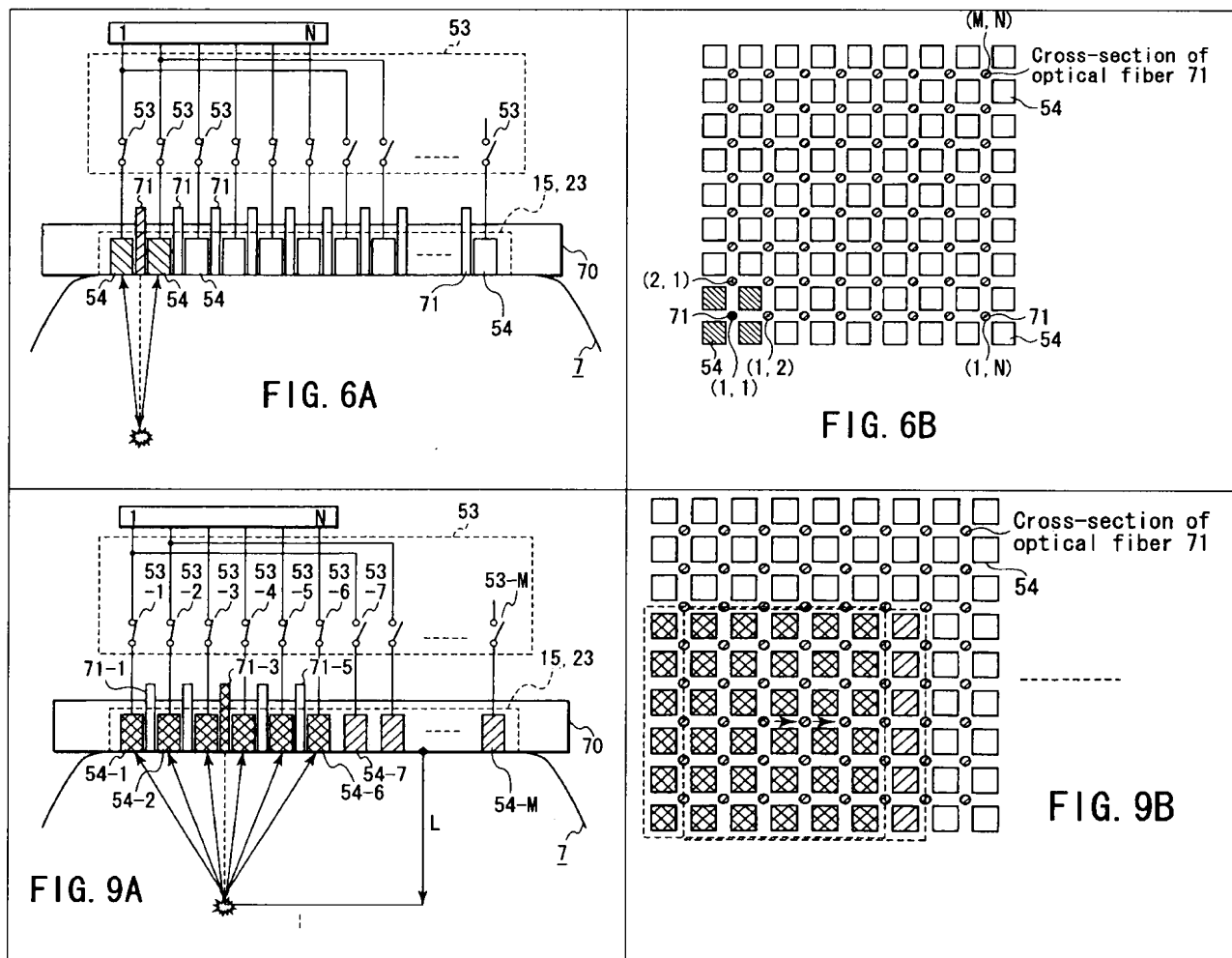
..., the irradiation unit is formed from a plurality of end portions of said plurality of optical fibers, and the reception means generates a reception signal corresponding to acoustic waves generated by irradiation of the light, from electrical signals from a predetermined number of conversion elements adjacent an end portion of the selected optical fiber which has radiated the light.

Claim 16 defines, among other things:

irradiating a subject to be examined with the light using a plurality of optical fibers having two-dimensionally arranged light irradiation positions, ~~wherein the light is sequentially radiated from said plurality of light irradiation positions~~ the irradiating including sequentially selecting an optical fiber from said plurality of optical fibers to irradiate the subject; ...

generating a reception signal corresponding to acoustic waves generated by irradiation of the light, from electrical signals from a predetermined number of conversion elements adjacent an end portion of the selected optical fiber which has radiated the light;....

Compare, by way of non-limiting example, Figures 6A and 9A and 6B and 9B, respectively, of the Specification. In Figure 6A, the optical fibers 71 with cross-hatching are selected to irradiate the light while the remaining optical fibers are off. In Figure 9A, the optical fibers 71-3 with cross-hatching are selected to irradiate the light while the remaining optical fibers are off. Figure 6B illustrates that the predetermined number of conversion elements 54 adjacent to the optical fiber irradiating light is 4 (2×2). Figure 9B illustrates that the predetermined number of conversion elements 54 adjacent to the optical fiber irradiating light is 36 (6×6).



The Official Action asserts in the “Response to Arguments” section (pages 7 and 8) that in Kruger “[r]otation of the waveguides to scan different portions of the breast is indeed

a sequential scanning, or irradiation.... The examiner believes that changing the location does meet the claim limitation of 'sequentially irradiating the subject'." In reply, Applicants respectfully submit that the mere "[r]otation of the waveguides to scan different portions of the breast" in Kruger does not teach or suggest structure for (claim 1) selecting an end portion from said plurality of end portions of said plurality of optical fibers to irradiate the subject with light, nor does it teach or suggest the step of (claim 16) sequentially selecting an optical fiber from said plurality of optical fibers to irradiate the subject.

Unger et al merely suggests a plurality of optoacoustic transducer configurations, but fails to teach or suggest scanning means or a scanning step as defined by claims 1 and 16, respectively. Chen et al. is merely relied upon to teach an optical parametric oscillator. Neither Unger et al. nor Chen et al. is believed to remedy the deficiencies of Kruger.

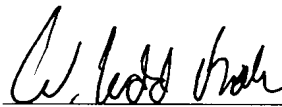
In view of the foregoing, Kruger is not believed to anticipate or render obvious the subject matter defined by claims 1 and 16 when considered alone or in combination with Unger et al. and/or Chen et al.

The active dependent claims are believed to be allowable for at least the same reasons the respected independent claims 1 and 16 are believed to be allowable.

In view of the foregoing no further issues are believed to remain. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

W. Todd Baker
Registration No. 45,265

Customer Number
22850
Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)